

Grain Futures Act Stayed by Federal Court

Temporary Restraining Orders Issued in Minneapolis and Chicago on Bill Limiting Exchange Trading

Traders Seek Injunction

Declare Measure Is Unconstitutional; Replaces the Capper-Tincher Act

MINNEAPOLIS, Oct. 20.—The grain futures trading act, passed by the last session of Congress to limit exchange trading, was attacked successfully here today when Federal Judge Page Morris issued a temporary restraining order suspending operation of the act, which was to have become operative November 1. Hearing on the application for a permanent injunction was set for November 3.

This is the first decision on the law, which grain exchanges throughout the country have declared war on as unconstitutional. It was forced through Congress by the agricultural bloc to take the place of the Capper-Tincher act, held unconstitutional by the Supreme Court.

Stay Order in Chicago

CHICAGO, Oct. 20.—United States District Judge Carpenter issued a stay order today suspending operation of the grain futures trading act until November 1, when he will hear the petition of the Chicago Board of Trade for a permanent injunction. The petition was brought by Henry S. Robbins, counsel for the Board of Trade. The Board of Trade suit was based largely on the report of a legislative committee, issued today, which covers a two-year period of legislative turmoil outlining the evidence placed before the Senate Agriculture Committee, which, it declared, showed clearly the unconstitutionality of the old Capper-Tincher law, held unconstitutional by the Supreme Court.

"As a result of a series of conferences between representatives of the grain trade and the Secretary of Agriculture," the report says, "there was evolved a number of amendments, which, in the opinion of the grain trade, would, if adopted, make it possible for the exchanges to function under the act fairly and honestly."

The bill was introduced for passage, the report continues, "without incorporating many of the most important suggested amendments" after it seemed "probable the Senate committee would not practically all of the proposed changes."

Attacks Section Three

Declaring Section 3 of the bill contained "an arraignment of futures trading unsupported by evidence," the report said it was "evident throughout the hearings that the intent of the Department of Agriculture was not that Section 3 should convey an accurate picture of the operations involved in grain trading, but should establish a firm foundation for the contention that future trading was affected with a national public interest, that it was at times a burden upon or an obstruction to interstate commerce, and that consequently Federal regulation was necessary."

The bill of complaint filed by counsel for the board charges that the law seeks to regulate an interstate commerce trade that is wholly state; that it interferes with state rights to govern exchanges, and that it seeks to deprive board members of their property by admitting representatives of cooperative bodies and permitting them to rebate commissions in violation of rules observed by other members. Further charges of unconstitutionality are made on the ground that the law makes violations of its provisions a crime "and constitutes the Secretary of Agriculture, the Secretary of Commerce and the Attorney General a commission, with power to deprive offenders of their rights to thereafter pursue a lawful vocation, whereas such officials have no power to do so."

Other sections granting wide powers of control to the Secretary of Agriculture, who is given authority to designate what exchanges shall or shall not be contract markets, are attacked as unconstitutional.

WASHINGTON, Oct. 20.—The action of the Chicago Board of Trade in filing its petition in the Federal District Court there today for an injunction restraining the government from enforcing the grain futures law was expected by Department of Agriculture officials who have charge of the administration of the law.

Preparations have been under way for some time to combat any such action by the grain exchanges, and the government is prepared to go forward immediately with its defense of the law. The Federal District Attorney at Chicago, with representatives of the solicitor of the Department of Agriculture, will conduct the government's defense.

Finland Selling Newspaper

Special Dispatch to The Tribune

PHILADELPHIA, Oct. 20.—Captain Eriksson, of the Finnish steamship Gautoise, which arrived yesterday from Helsingfors, has been empowered by the Finnish government to open negotiations with the Shipping Board for the transportation to this country of 100,000 tons of newspaper paper. The production of newspapers in Finland has been undertaken on a large scale recently, and new markets are being developed.

The Gautoise is the first Finnish steamship to enter any port of this country.

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Secretary Davis Does Steel Mill 'Trick' Again

SEATTLE, Wash., Oct. 20.—Secretary of Labor James J. Davis, who started in as a boy in the steel mills of Pennsylvania, graduating as a puddler and later as a rolling mill man, donned overalls again today, handled a pair of tongs and took his place as a heater at the rolls in the plant of the Youngstown rolling mills here today.

Secretary Davis was visiting the plant as the guest of Superintendent James R. English, with whom he worked as a boy.

"Jim, I was just wondering if you could do a trick in a steel plant now," said English.

"Jim, of course I can," replied the Secretary, and he "did the trick." The little knot of workers around the rolls cheered.

\$25,000 Bribe Asked, Swears Bus Promoter

(Continued from page one)

ate the buses as he had undertaken to do.

Riedl testified that O'Connor came to him during the first strike on the B. R. T. and talked about bus transportation. Riedl was experienced in handling trucks and buses. O'Connor said that on account of the strike the installation of a bus service would be a fine thing for the city. Riedl wanted to know about permanency of operation, and O'Connor took him to the office of Joseph Guider, Commissioner of Public Works in Brooklyn. Guider pressed him to lend a hand in transporting passengers. He secured New Jersey and Connecticut and got fifty or sixty buses and drivers.

Riedl said that a second strike followed the first one and that Mayor Hylan, Guider and others requested him to reinstate his bus service, which he did, putting 225 buses to work. Then came the abandonment of street car lines in Manhattan, and Mayor Hylan turned a third time to Riedl. Riedl came to his home, Guider assured Riedl that the terms of the permit would be long enough to make the operation of the buses profitable, and that assurance Riedl had taken with his plan, spending his own money.

All Wanted "To Get In"

"Go ahead and start on this and leave the rest to me," said Guider. Then came O'Connor, as soon as the Board of Estimate had favorably passed the permit.

"We've got as far as this. You had better hurry up with the organization of your company, so that we can all get in on it," O'Connor said, according to Riedl. Riedl said he had begun organizing a company until he had the permit and that O'Connor made it plain that he and his political associates wanted stock in the company, and in that connection Riedl had mentioned the name of Fennelly, Assistant Commissioner of Public Works in Brooklyn. Riedl said that as soon as the permit was issued O'Connor came around and wanted a conference with him. They met in Rocco's downtown cafe. The testimony follows:

Q.—What did O'Connor say? A.—O'Connor said, "Well, now, you've got it in black and white that we got it through. You don't have to worry over there." Then he said, "What about the company?"

Q.—What else did he say to you? A.—He said, "You know a thing like this is worth a lot of money." I said, "Well, what do you mean about being worth a lot of money?" He said, "Well, you know it is worth \$100,000 to anybody." I said, "Dan, I don't think I have read the franchise they gave me or you would not say it is worth \$100,000. It is only a ten days' permit." He said, "I know all about it." I said, "Then what are you talking about being worth \$100,000?" He said, "I don't say \$100,000, but it is worth \$25,000 any time." I said, "Have you found out that under the franchise, the way it reads, it would not be worth a nickel to me? I would not start on it, even. They have a ten-day clause. They can throw me out in ten days, and if I go to a lot of expense and spend a lot of money—I have gone to a lot of expense already, and what is the good of it?" He said, "That is where the trick comes in, in that ten-day clause. You can cover that up." I said, "What do you mean, cover it up, with the

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New Wage Edict Stiffens Foes Of Rail Board

Move for Abolition of Body Gains Revived Impetus Following Repudiation of "Living" Standard

Roads Join in Attack

Companies and Unions May Unite to Use Ruling as Club Against Tribunal

From the Tribune's Washington Bureau

WASHINGTON, Oct. 20.—Declaration of the Railroad Labor Board that the "living wage" advocated by the railroad unions is impracticable and that if carried out the theory would "wreck every railroad in the country" will greatly intensify hostility toward the board and strengthen the movement for its abolition. This became apparent today. Not only did Samuel Gompers, president of the American Federation of Labor, come out with a bitter arraignment of the board, but talk in other quarters indicated that the railroads which favor abolition of the board would turn the board's utterances to their account and there would result a powerful effort to get rid of the body, with both railroads and labor joining the assault. Such a combination, it is obvious, would have much weight in swaying Congress.

Senator Cummins, chairman of the Senate Interstate Commerce Committee, who is now in Iowa, has repeatedly declared for a "living wage" and for writing it specifically into the law. He holds that the law now implies a living wage, but that it should be specifically stated. Before he left Washington he said he would endeavor to get legislation calling for a "living wage" so that no question could be raised about it.

Indications are that despite the board's declaration, if the Labor Board \$25,000? He said, "Yes, that is the thing that is going to cover you up."

Refused to Be Shaken Down

Riedl says that on his decision not to pay O'Connor anything the latter went away. "I kept stalling him," Riedl said. The day before he expected to begin to operate the buses O'Connor hunted him up, Riedl says, in Rocco's cafe in Franklin Street, and brought up the money matter again.

"He said that what he had said about the money was no joke and that he meant it," testified Riedl. "I said, 'If you need a couple of hundred dollars for yourself you know you can ask me any time and I will give it to you, but coming around and asking me for \$25,000—I can't see it.'"

Q.—There had been some publication in the newspapers that morning that you had a million dollars or more back of you on this bus proposition? A.—Yes, sir.

Q.—And he called that to your attention? A.—Yes, sir.

Q.—And what did he say about your having a million dollars back of you and in that connection Riedl said he mentioned the name of Fennelly, Assistant Commissioner of Public Works in Brooklyn. Riedl said that as soon as the permit was issued O'Connor came around and wanted a conference with him. They met in Rocco's downtown cafe. The testimony follows:

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Says He Was Threatened

Riedl testified that O'Connor made an appointment with him at a cafe at the corner of Nassau and Beekman streets and again asked for the

legislation is allowed to remain on the statute books it will be supplemented by a declaration for a "living wage."

"Just" Wage Clause Cited

Mr. Gompers in an interview pointed out that the law now provides the wages fixed by the board shall be "just and reasonable."

"Surely," he said, "anything which is below a living wage is not just and reasonable. To say to a man with a wife and family that the railroads and ultimately the public will be required to meet the bill and to tell him that he is not to get a living wage—that does not satisfy him nor is it just and reasonable."

Mr. Gompers declared Congress had passed the law, and the action of the board was a "stigma" on Congress, implying Congress was not sincere. "No other construction can be placed on the law," said Mr. Gompers, "than that the award shall be just and reasonable and based upon a living wage, even to Congress, stigmatize the intelligence and these modern autocrats, superior license and the purpose of Congress to be delusive and deceptive."

Mr. Gompers insisted there would be no genuine co-operation between the railroads and workers until the board was abolished. "The sooner the board is abolished," he declared, "and the more the good will and negotiations of railroad management and railroad workers, the better it will be for all concerned."

Stone Withholds Verdict

WASHINGTON, Oct. 20 (By The Associated Press).—The assertion that "a living wage" is something that every person must have in order to live" was the only comment Warren S. Stone, grand chief of the Brotherhood of Locomotive Engineers, would make today on the attack of the public and railroad groups of the Railroad Labor Board on the theory of "the living wage" as a basis for determining the pay of railroad workers.

Mr. Stone, who was a caller at the White House, said he wanted to see the full text of the pronouncement before entering into a fuller discussion of the position the two groups had taken. The Brotherhood chief said his call on President Harding was only a "personal visit," and that they did not discuss railroads, politics or labor.

W. L. McMenimen, a member of the board's labor group, also saw President Harding today, but on leaving the White House refused to discuss his conference or to comment on "living wage" opinion, or to say he could not subscribe to the views expressed by the public and railroad groups.

\$25,000? O'Connor assumed that by that time Riedl had the money with him, and said so. Riedl says he offered to let him have \$25,000 or \$300 with him and that he was welcome to that, if it was for his own use. Then O'Connor uttered a threat.

"You will be sorry if you don't put that money up," he said. "They will cripple you within twenty-four hours—just as quick as they got you in they will get you out."

O'Connor warned Riedl that it would be of no use to fight the Board of Estimate. Riedl demanded O'Connor tell him how the money was for. "Why," said O'Connor, according to Riedl, "you know you did not get that franchise just because you were Louis Riedl. They did not know you. Somebody had to push you up."

"I says, for who is it? What is the idea?" He said, "It is not for Red Mike."

Q.—It is not for Red Mike? A.—It is not for Red Mike. I says, "Mayor Hylan? I says, 'Why don't you tell me for who it is?' He says, 'You know a good soldier doesn't ask any questions; he just goes and obeys orders.' I says, 'I follow orders, I obey an order like that for anything.'"

For the "Big Chief"

Q.—Well, did he say that it was for any public official? A.—He did not exactly say. He said it was for the "Big Chief." I know it was not for him.

Q.—Did he identify the "Big Chief" as a man who was in the public service? A.—He did not say exactly. I asked him and I said, "You don't mean it is for Joe Guider?" Because I know Joe Guider too well, and he would not go to work and do a thing like that. He said, "They have nothing to do with that."

O'Connor gave Riedl final notice,

Riedl testified, that if he didn't come across with the money he "would not last long."

Riedl said he had to be ready to start his buses by midnight on Saturday, September 20, and had them all on the ground, at various points within easy call. On Saturday Riedl went to McCollum's office in the Municipal Building and met his assistant. He wanted to know why some of his buses had been "chased back" to New Jersey. Riedl kept on seeking information as to why he was blocked and was told that he would have to see Whalen. Back to McCollum's office went Riedl, and was told that before he could get any action he would have to put up \$4,000 in cash bonds, to get his own buses "released," although at the time they either were in Manhattan or in nearby New Jersey.

On Sunday, failing to make progress on the night previous, Riedl went to the Delancey Street bridge, the starting point for his buses, still intending to go on with operation under his nine-day permit. The testimony shows what took place.

Found Police on Buses

Q.—What occurred on your way up? A.—Near Third Avenue I was approached by some of the drivers. One of them said: "You better don't go down there, because we have instructions from Mr. Whalen, the Commissioner, that if we see you to we chase you off the buses. There is a detective on each bus, and if you want to keep away from trouble better keep away from there."

Q.—A police detective? A.—Yes, sir. At the same time a man in civilian clothes approached me and said: "Are you Mike Riedl?" I said, "Yes." He said, "Well, I am an officer of the law and I have instructions to tell you to keep off the buses, so you better keep off." I said, "All right, if you say so." I went down to the Delancey Street bridge and McCollum came up to me. He said, "Mr. Hylan had Commissioner Whalen put in charge of the buses now and you better keep away from there. There was a lot of people hanging around which didn't look very encouraging for me to stay around there."

Q.—What kind of people? A.—Kind of cops, I said. So I said to myself, better go before it was too late. So I went over to the Chambers Street station, at the ferry over on Chambers Street, and there were three buses. Every one of the drivers said: "You better go away. There is a lot of tough guys hanging around looking for your scalp. We have orders that we are not to let any of the drivers get into the buses and we have instructions that you haven't got anything to say."

Chased Off Streets

Q.—You were chased off the streets? A.—Yes, sir.

Q.—Because you refused to put up \$25,000? A.—That is what I was asked to put up—\$25,000.

Q.—Then on September 26 the Board of Estimate gave as the excuse for forfeiting your franchise the rights that you had failed to commence operation on any of the routes on or before September 20, 1919? A.—Yes.

Riedl testified that on Sunday O'Connor appeared and remonstrated with him, saying:

"Things could have been worked smoothly. Everything would be all right. You shouldn't have gone up in the air so fast."

Riedl said that he was out about \$7,000 or \$8,000 on account of being deprived of his permit after making all preparations to operate buses. Riedl said that there was some one who overheard the conversation between himself and O'Connor in the cafe in Nassau Street, but he did not know his name. He gave Mr. Shearn a description of him.

Insurance Man Tells of Loss

William Wesley Huselton, an insurance broker, testified to issuing fifty-nine bus and automobile insurance policies in the United States Casualty Company, but he lost all but seventeen of them about the time that the firm of Sinnott & Canty began to operate. James Paul Sinnott, of the firm, is the brother of Mayor Hylan's son-in-law secretary. Huselton said that he discovered that the fact that he did not vote had something to do with his loss of insurance. Mr. Shearn got considerable enlightenment from Huselton on one point, when he asked about the operation of the new state law governing auto liability insurance. Mr. Huselton said that bus insurance existed before the 1922 Legislature passed

the new law, policies having been written as early as 1919.

A. Greenberg testified that he was suspended while driving a bus and that he got back on the Madison Street line after going with the Alderman Stapleton to "Big Tom" Foley's district club and telling them that he had seven votes in his family. After getting back, following another suspension, he changed his insurance from the firm of Fox & Fox to that of Sinnott & Canty, and he is still on that line.

Mayor Hylan issued a statement yesterday in which he characterized the Transit Commission's investigation of the bus scandal as a "farce," and said that the people who are enjoying the buses at 5 cents a ride are satisfied. "No amount of political press-agency between now and Election Day can distort the public mind with regard to the McAneny-Harkness-Shearn traction junk plan," said the Mayor.

Berwind-White Co. Refuses to Appear At Hylan Hearing

Mayor's Committee Hears Charges That Mine Officials Prosecuted Union Men and Evicted Families

WINDBER, Pa., Oct. 20 (By The Associated Press).—Mayor Hylan's committee from New York City, investigating conditions at the Berwind-White Company's coal mines held its initial hearing today before a general hearing of the city council. Several hundred striking miners and members of their families. Two independent coal operators, John Lochrie and D. T. Price attended, but denied that they did so as representatives for the Berwind-White interests, but rather as "representatives of the citizens of Windber." The chairman of the committee, David Hirschfield, Commissioner of Accounts of New York City, presided.

Lochrie and Price, who at first took no part in the proceedings, later were targets for a bombardment of questions hurled at them by men and women, and as a result the committee heard only one witness, who gave testimony in support of the charges of striking miners, which were responsible for its visit. This witness, James Gibson, president of the Windber local of the mine workers, maintained that the company "prosecuted" miners who were loyal to the union, cut their wages whenever an opportunity presented itself, bullied the workers through hired gunmen and deputies, forced the employees to trade at company stores, forced them to work overtime without compensation, evicted families without legal notice and failed properly to weigh cars of coal that the pick men loaded. Mr. Lochrie challenged the truth of some of his assertions.

Union Dictation Issue

Lochrie and Price declared that the issue of union dictation was the only point involved in the strike in the Somerset County field, so far as their interests were concerned. They insisted they did not discriminate between union and non-union men, that they paid better than union wages, and provided more comforts for their employees than many mines operating under the Cleveland agreement.

You have heard the charges made against the coal operators who supply fuel for the rapid transit lines," said Mr. Hirschfield. "The City of New York is a partner in this great transportation industry. If it is true that the pick men loaded, Mr. Lochrie compelled to pay an exorbitant price for Berwind-White coal; if it is true that the Berwind-White company ignores human suffering, the people of New York should know about it. If these

charges are not true, the officials of the company should refute them. The cost of bituminous coal, dumped in interborough bins in New York, was informally discussed and the meeting adjourned until to-morrow. Chairman Hirschfield was told to-night that the Berwind-White Company again declined to attend the hearing at Windber. As a consequence it is probable that only the union side of the strike dispute will be outlined in the committee to-morrow.

World War Veteran Dies In Plunge of 5 Stories

Injuries suffered when he either jumped or fell from the fifth floor stairway to the ground Sunday caused the death yesterday of Thomas Scott, a World War veteran in Hospital 81, Kingsbury Road, Rumors that he had committed suicide because of quar-

rels over food with hospital officials were denied by Dr. A. P. Chronquist, head of the institution.

Scott was suffering from neuritis but was frequently allowed to go out alone. He had been to a motion picture show in the afternoon. On returning, when he was half way to the fifth floor he toppled over and crashed to the ground floor.

He was immediately treated by Dr. Lieberman and a nurse, but after remaining unconscious for twelve hours died.

Scott lived at 404 West Fifty-eighth Street. He was a native of Scotland and served overseas in a Canadian contingent during the war. His nearest relative is a sister in Brooklyn. He had once been discharged from the hospital as cured, but a recurrence of his malady brought him back.

Hospital 81 was recently under fire for alleged mistreatment of veteran patients, but was given a clean bill of health by the investigating committee.

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